

Practitioner's Docket No. _____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Impact Confections
Application No.: 09 /607,313 Group No.:
Filed: June 28, 2000 Examiner:
For: Paint Set Confectionery

☐ Patent*: Issued:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where request is with respect to a maintenance fee payment also insert application number and filing date and add Mail Stop 16 to address.

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450,
Alexandria, VA 22313-1450

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

NOTE (HAND CARRIED): "Refund requests, deposit account replenishments, and maintenance fee payments may be hand carried to the Office of Finance receptionist in Suite 300, 2051 Jamieson Avenue (Carlyle Place building), Alexandria, VA 22314. Hand carried correspondence will only be accepted, and not processed. Although the receptionist will not process any correspondence, if the correspondence is delivered with an itemized postcard, the receptionist will provide a delivery receipt by date stamping the postcard. Depending on whether the correspondence is a refund request, deposit account related (e.g., a deposit account replenishment), or maintenance fee related (e.g., a maintenance fee payment), the correspondence should be placed in an envelope with REFUND, DEPOSIT ACCOUNT, or MAINTENANCE FEE written in dark ink across the envelope." See "Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence," September

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
37 C.F.R. § 1.8(a)

- ☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10 *

- ☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☒ facsimile transmitted to the Patent and Trademark Office, (571) 273-6500

Date: 3/19/2007

Signature

Vidal A. Oaxaca

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Request for Refund (Improper Charge of Credit

Adjustment Date: 04/11/2007
01 FC:1251 120.00 CR
0194272000 DFLYD 00000002 134213 09607313

19, 2005; 1299 OG 98, October 18, 2005, Exceptions for Certain Hand Carried Correspondence, Item 12.

NOTE (FACSIMILE): Refund requests facsimile number 571-273-8500. See "Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence," September 19, 2005; 1299 OG 98, October 18, 2005, Exceptions for Certain Facsimile Transmitted Correspondence, Item 13.

NOTE: 37 C.F.R. § 1.26 Refunds.

(a) The Commissioner may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Commissioner may require such information, or use the banking information on the payment instrument, to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.

(b) Any request for refund must be filed within two years from the date the fee was paid, except as otherwise provided in this paragraph or in § 1.28(a). If the Office charges a deposit account by an amount other than an amount specifically indicated in an authorization (§ 1.26(b)), any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating such charge, and include a copy of that deposit account statement. The time periods set forth in this paragraph are not extendable.

I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account
13-4213, shown on the statement dated January, 2006 for the
above-identified

- ☐ application.
- ☐ patent.

(check the following, if desired, and supply copy of statement)

- ☒ A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

(Request for Refund (Improper Charge of Credit Card Account) [19-4]—page 2 of 4)

II. FEES CHARGED FOR WHICH REFUND REQUESTED**AMOUNT OF
REFUND
REQUESTED**

- ☐ Basic fee
- ☐ Examination fee
- ☐ Search fee
- ☐ Additional fee for specification and drawings
- ☐ Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. § 1.16(e))

\$ _____
\$ _____
\$ _____

and/or

- ☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))
- ☒ Extension of term
 - ☐ first month
 - ☒ second month
 - ☐ third month
 - ☐ fourth month
 - ☐ fifth month
- ☐ Excess claims
- ☐ Issue fee
- ☐ Petition fee
- ☐ Patent maintenance fee
 - ☐ first maintenance fee
 - ☐ second maintenance fee
 - ☐ third maintenance fee
- ☐ Patent maintenance fee surcharge
- ☐ Other _____

\$120

TOTAL REFUND REQUESTED

\$120

(Request for Refund (Improper Charge of Credit Card Account) [19-4]—page 3 of 4)

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On January 9, 2006, we filed an Amendment and Response but failed to include a Petition for a Two-Month Extension of Time to Respond (response was due December 7, 2005). Our deposit account was automatically charged \$120 (erroneously charged as a large entity) as shown on the attached deposit account statement. Our client claimed small entity status (see Statement Claiming Small Entity Status attached dated June 20, 2000 that was filed with the initial application).

Then on January 11, 2006, we faxed a Petition for a Two-Month Extension of Time to Respond acknowledging that it had been omitted from the January 9, 2006 filing (copy of Petition is attached). Our deposit account was then correctly charged \$225.

We acknowledge the \$225 charge and respectfully request that our account be refunded \$120 for the initial charge.

IV. MANNER OF REFUND

Please make the refund by

- ☒ Crediting Deposit Account No. 13-4213
☐ Crediting applicant's credit card as shown on the attached credit card authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☐ Sending refund check to applicant
☐ By electronic funds transfer using the banking information on the payment instrument.

Reg. No.: 44,267

Tel. No.: (505) 998-1500

Customer No.: 5179


SIGNATURE OF PRACTITIONER

Vidal A. Oaxaca

(type or print name of practitioner)

P. O. Box 26927

P.O. Address

Albuquerque, NM 87125-6927

(Request for Refund (Improper Charge of Credit Card Account) [18-4]—page 4 of 4)

Practitioner's Docket No. 31 -US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ Applicants **BRAD BAKER**☐ Patentee☐ Application No.☐ Patent No.☐ Filed on☐ Issued onTitle: PAINT SET CONFECTIONERYSTATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby state that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:Name of Small Business Concern IMPACT CONFECTIONS, INC.Address of Small Business Concern 888 Garden of the Gods RoadColorado Springs, Colorado 80907

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

☒ the specification filed herewith, with title as listed above.☐ the application identified above.☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

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PATENT

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.
☐ Each such person, concern or organization is listed below.

Name _____

Address _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

Name _____

Address _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 CFR § 1.4(d)(2).

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Brad BakerTitle of Person if Other Than Owner PresidentAddress of Person Signing 888 Garden of the Gods RoadColorado Springs, CO 80907

SIGNATURE

Brad Baker

Date

6-20-00

F:\Stacy\SmallEntity-bus.doc

Deposit Account Statement

United States
Patent and
Trademark OfficeDeposit Account Statement

Requested Statement Month:

January 2006

Deposit Account Number:

134213

Name:

PEACOCK MYERS, P.C.

Attention:

DEBORAH A. PEACOCK

Address:

P. O. BOX 26927

City:

ALBUQUERQUE

State:

NM

Zip:

87125-6927

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT.	BAL
01/03	383	78783223	30817-1009	7001	\$325.00	\$2,718.09
01/03	390	78783229	30817-1001	7001	\$325.00	\$2,393.09
01/04	387	78373387	31886-1001	7003	\$100.00	\$2,293.09
01/04	475	78784218	31880-1001	7001	\$325.00	\$1,968.09
01/04	482	78784221	31880-1001	7001	\$325.00	\$1,643.09
01/04	490	78784228	31880-1001	7001	\$325.00	\$1,318.09
01/04	328	2346185		8521	\$40.00	\$1,278.09
01/04	62	E-REPLENISHMENT		9203	-\$1,800.00	\$3,078.09
01/06	173	11148391	30394-1141	8021	\$40.00	\$3,038.09
01/06	530	60678039		8021	\$40.00	\$2,998.09
01/06	629	60720790		8021	\$40.00	\$2,958.09
01/06	49	10404460	2874-022	2251	\$60.00	\$2,898.09
01/06	47	6419330		9204	-\$1,400.00	\$4,298.09
01/09	1	1944049	31817-1003-T7	7205	-\$100.00	\$4,398.09
01/09	2	1944049	31817-1003-T7	7208	-\$200.00	\$4,598.09
01/09	104	60741008	41113-PROV2-0905	8021	\$40.00	\$4,558.09
01/09	600	60879117		8021	\$40.00	\$4,518.09
01/09	1	10224268	BSA 02-07	2201	\$200.00	\$4,318.09
01/10	18	60706945	37000-9302.PPAP	8021	\$40.00	\$4,278.09
01/10	169	11235357		8021	\$40.00	\$4,238.09
01/11	142	10465100	30394-1098	1252	\$450.00	\$3,788.09
01/11	268	11328317	37000-0422.UT	2202	\$100.00	\$3,688.09
01/12	342	11149740		8021	\$40.00	\$3,648.09
01/12	345	11149740	30750-UTIL-29	8021	\$40.00	\$3,608.09
01/12	2	09607313	30687-US	1251	\$120.00	\$3,488.09
01/12	3	09607313	30687-US	2202	\$50.00	\$3,438.09
01/12	4	09607313	30687-US	2201	\$100.00	\$3,338.09
01/13	824	78431042	32064-001-2	7004	\$150.00	\$3,188.09
01/13	64	09607313	30687-US	2252	\$225.00	\$2,963.09
01/17	23	60669748	31508-14	8007	\$20.00	\$2,943.09
01/17	24	60635847	31508-13	8007	\$20.00	\$2,923.09
01/17	369	78791494	31883-1001	7001	\$325.00	\$2,598.09
01/18	950	76341384	31648-1001	7003	\$500.00	\$2,098.09



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Vidal A. Oaxaca^{1,2,3,5}
Janet Vilven-Doggett, Ph. D.^{1,3}
Hilary A. Noskin, Ph. D.³
Justin R. Jackson³

¹ Registered U.S. Patent and Trademark Office

² Admitted Colorado Bar

³ Admitted New Mexico Bar

⁴ Admitted New York, District of Columbia,

New Jersey, and Pennsylvania Bars

⁵ Admitted Texas and Washington Bars

⁶ Admitted Michigan Bar

⁷ Registered Agent, U.S. Patent and Trademark Office (non-attorney)

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Fax (505) 243-2542

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http://www.PeacockLaw.com

FAX COVER SHEET

March 19, 2007

TO: US PTO
FIRM:
DOCUMENT: Request for Refund
PAGES (including cover sheet): 8
FROM: Beth Tyree

FAX NO.: 1-571-273-6500

MESSAGE

Please find attached a Request for Refund Form with supporting documentation for SN 09/607,313

☒ Original will not follow
☐ Original will follow via:
☐ First-class mail ☐ Courier

CLIENT # 7110
MATTER # 1001

Please telephone Carin or Rick at (505) 998-1500 if you do not receive or cannot clearly read the information transmitted herewith. Our return fax number is (505) 243-2542. This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, note that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address. Thank you.

Transaction List

Search by

☐ Accounting Date: Operator ID:

(MMDDYY)

Accounting Date



☒ Name/Number:

Starts:

Ends:

☐ Attny Docket No.:

☐ Deposit Account No.:



Accounting Date	Operator ID	Seq. No.	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acct
07/24/2006	INTEFSW	902	SALE	2251	A	60.00	09607313	
01/13/2006	EFLORES	64	SALE	2252	A	225.00	09607313	134213
01/12/2006	DFLOYD	4	SALE	2201	A	100.00	09607313	134213
01/12/2006	DFLOYD	3	SALE	2202	A	50.00	09607313	134213
01/12/2006	DFLOYD	2	SALE	1251	A	120.00	09607313	134213
11/04/2004	FFANAIA2	31	SALE	2801	A	395.00	09607313	
12/04/2002	CVO111	96	SALE	2402	A	160.00	09607313	
12/04/2002	CVO111	95	SALE	2403	A	140.00	09607313	
10/07/2002	AWONDAF1	134	SALE	2401	A	130.00	09607313	
10/07/2002	AWONDAF1	133	SALE	2401	A	30.00	09607313	134213
06/07/2002	NMOHAMM1	67	SALE	215	A	55.00	09607313	

Adjustment Detail

Authorization Detail

